



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 515
Real Property – Candidates – Access to Apartment Buildings

This bill would allow political candidates to canvass inside of multifamily apartment buildings. Currently, candidates are prevented from knocking doors in apartment buildings with locked entries.

Research shows that an increasing number of Marylanders are renting their home. More than 738,000 of the 2.2 million total occupied housing units in Maryland are renters.¹ Renting is on the rise, especially for people age 55 and older and for families with children.²

This legislation would ensure that voters who live in a rental apartment are not denied the opportunity to engage in the democratic process because of actions by their landlord to exclude political candidates. Similar laws have been enacted in Minnesota and Indiana.

Canvassing in Apartments is a Racial Justice Issue

There is a racial divide in America in terms of who rents and who owns their home. A majority of Black and Hispanic residents rent, whereas roughly 70 percent of whites own their home.^{3,4} This disparity is a legacy of redlining and long-standing racial disparities in housing programs that have disproportionately prevented people of color from home ownership.

¹ U.S. Census housing data on Maryland (current as of 2019).

<https://data.census.gov/cedsci/table?q=ACSDP1Y2019.DP04%20Maryland&tid=ACSDP1Y2019.DP04>

² "The State of the Nation's Housing." Harvard Joint Center of Housing Studies, 2017.

https://www.jchs.harvard.edu/sites/default/files/harvard_jchs_state_of_the_nations_housing_2017_chap5.pdf.

³ "One Home, a Lifetime of Impact." Lerner, Michelle, Washington Post, 3 July 2020, www.washingtonpost.com/business/2020/07/23/black-homeownership-gap/.

⁴ "Calling It Home: Latino Rental Housing Affordability." UnidosUS, 2019.

http://publications.unidosus.org/bitstream/handle/123456789/1985/unidosus_affordablehousing_lr.pdf.

These inequalities in housing in turn impact the democratic process. Research has shown that people are more likely to vote if a political campaign knocks on their door and speaks with the potential voter.⁵

By restricting candidates from being able to reach a majority of voters of color, Maryland is actively suppressing the political involvement of renters. It is not right that most white Maryland residents are able to meet candidates at their door while most Black and Hispanic Marylanders cannot. This bill aims to rectify this inequity.

Political Canvassing is a Constitutional Right

Constitutional scholars have emphasized that the ability to give and receive electoral information is a fundamental right under the Constitution.⁶ Federal courts have also held that door-to-door canvassing is considered political speech and is thus protected by the First Amendment.⁷ This right cannot be restricted without a reasonable justification.

What This Bill Does

- Candidates, but not their volunteers or staff, can seek access to a locked entry apartment building in the six months preceding their election.
- Candidates must honor signs on individual apartment doors that request that their door not be knocked on.
- Property owners can require a candidate to schedule an appointment to canvass.
- Property owners can require a candidate to sign a waiver of liability before entering the premises.
- Candidates can be barred from a property for unreasonable disturbance of residents, failure to distribute campaign materials in an orderly fashion, and other causal reasons.
- Property owners can prevent candidates from leaving campaign literature in common areas.
- If the property has a tenants' association, the association can vote to restrict candidates' access to the property.

⁵ "Getting Out the Vote in Local Elections: Results from Six Door-to-Door Canvassing Experiment." Donald P. Green, Alan S. Gerber, and David W. Nickerson. November 2003, *The Journal of Politics* 65 (4): 1083-1096.

⁶ "Political Speech in the Nonpublic Forum: Can Public Housing Facilities Limit Access to Political Canvassers?" Pelliccioni, Christopher, 2002.
<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2671&context=caselrev>.

⁷ *United States District Court Southern District of Indiana. Citizens Action Coalition of Indiana, Inc. v. Town of Yorktown, Indiana* (2014).
https://ecf.insd.uscourts.gov/cgi-bin/show_public_doc?12013cv0422-54.